

## SENATE BILL No. 293

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2; IC 3-6-6-39; IC 3-7; IC 3-10; IC 3-11-8; IC 3-11.7-2-1; IC 9-24-2.5; IC 16-37-1.

**Synopsis:** Voter registration. Makes the following changes: (1) Defines "active" and "inactive" voters for purposes of voter list maintenance programs. (2) Restates the registration deadline applicable to certain military and overseas voters. (3) Specifies the contents of statewide voter registration system reports. (4) Provides that if a voter list maintenance mailing is returned by the U.S. Postal Service or is responded to by a voter during the final 90 days before an election, the response or return shall be processed when registration reopens following the election. (5) Requires that county voter registration records be updated to reflect voter history and other information set forth on precinct polling place lists not later than 60 days after election day or after completion of a recount or contest. (6) Establishes procedures for processing paper copies of voter registration applications requesting the cancellation of a voter's registration record in another Indiana county. (7) Specifies the periods during which certain first time voters who register by mail within an Indiana county are to provide additional documentation as required by federal law. (After the establishment of the statewide voter registration system in 2006, this requirement applies only to certain first time voters who register by mail within Indiana.) (8) Requires the precinct inspector to request that a voter who is casting a regular ballot at the polls using certain fail-safe procedures complete a new voter registration application. (9) Renames a "certificate of error" as a "certificate of voter registration". (10) Provides that an individual who does not have an Indiana driver's license and will be at least 18 years of age by election day may not be charged a fee by the department of health for  
(Continued next page)

**Effective:** Upon passage; July 1, 2007.

**Landske, Lawson C**

January 11, 2007, read first time and referred to Committee on Local Government and Elections.



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Digest Continued

a birth record search or for the issuance of a birth certification if the record is found, or charged a birth problems registry fee. (11) Repeals obsolete references concerning the mailing of monthly voter registration transaction reports, and updates procedures for address changes of voter registration records in the statewide voter registration system. (12) Makes technical changes.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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## SENATE BILL No. 293

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-5-2-1.7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.7. "Active voter"  
3 refers to **the following**:
- 4 **(1) For purposes of voter registration record and voter list**  
5 **maintenance purposes under IC 3-7**, a voter who satisfies either  
6 of the following:
- 7 ~~(1)~~ **(A)** The voter has registered or voted in any election during  
8 the preceding four (4) years at the address indicated on the  
9 voter's registration record.
- 10 ~~(2)~~ **(B)** The voter has not voted in any election during the  
11 preceding four (4) years at the address indicated on the voter's  
12 registration record and has responded in writing to an address  
13 confirmation notice sent under IC 3-7 not later than thirty (30)  
14 days after the notice was sent.
- 15 **(2) For purposes of establishing precinct boundaries in**



1 compliance with IC 3-11-1.5, a voter who has registered or voted  
 2 in any election during the preceding four (4) years at the address  
 3 indicated on the voter's registration record.

4 SECTION 2. IC 3-5-2-26.4 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 26.4. "Inactive voter," for voter  
 7 registration purposes and voter list maintenance purposes under  
 8 IC 3-7, refers to a voter who:

- 9 (1) is not an active voter (as defined in IC 3-5-2-1.7(1)); and  
 10 (2) has been designated as an inactive voter in compliance with  
 11 the requirements of a voter list maintenance program  
 12 conducted under IC 3-7.

13 SECTION 3. IC 3-6-6-39, AS AMENDED BY P.L.230-2005,  
 14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 UPON PASSAGE]: Sec. 39. (a) The county election board by  
 16 unanimous vote of the entire membership of the board may permit an  
 17 individual who is not a voter to serve as any precinct election officer  
 18 (other than inspector), or to assist a precinct election officer, if the  
 19 individual satisfies all the following:

- 20 (1) The individual is at least sixteen (16) years of age but not ~~more~~  
 21 ~~than seventeen (17)~~ **eighteen (18)** years of age **or older**.  
 22 (2) The individual is a citizen of the United States.  
 23 (3) The individual is a resident of the county.  
 24 (4) The individual has a cumulative grade point average equivalent  
 25 to not less than 3.0 on a 4.0 scale.  
 26 (5) The individual has the written approval of the principal of the  
 27 school the individual attends at the time of the appointment or, if  
 28 the student is educated in the home, the approval of the individual  
 29 responsible for the education of the student.  
 30 (6) The individual has the approval of the individual's parent or  
 31 legal guardian.  
 32 (7) The individual has satisfactorily completed any training  
 33 required by the county election board.  
 34 (8) The individual otherwise is eligible to serve as a precinct  
 35 election officer under this chapter.

36 (b) An individual appointed to a precinct election office or assistant  
 37 under this section:

- 38 (1) must serve in a nonpartisan manner in accordance with the  
 39 standards developed by the Help America Vote Foundation under  
 40 36 U.S.C. 152602; and  
 41 (2) while serving as a precinct election officer or assistant:  
 42 (A) is not required to obtain an employment certificate under

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1 IC 20-33-3; and

2 (B) is not subject to the limitations on time and duration of  
3 employment under IC 20-33-3.

4 SECTION 4. IC 3-7-13-12, AS AMENDED BY P.L.1-2006,  
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2007]: Sec. 12. Except as otherwise provided in this article,  
7 if a county voter registration office receives a properly completed  
8 registration application during a time other than the registration period  
9 described in section 10 of this chapter, the county voter registration  
10 office shall enter the data from the application into the computerized  
11 list and designate the application as pending in the same manner as  
12 other applications received while the registration period was open are  
13 designated as pending under IC 3-7-33-5. However, the county voter  
14 registration office shall ensure that:

15 (1) the notice required under IC 3-7-33-5 is not mailed to the  
16 applicant before the first day that the registration period reopens;  
17 and

18 (2) the registration information provided by the applicant does not  
19 appear on any certified list of voters or certificate of ~~error~~ **voter**  
20 **registration** issued under this article.

21 SECTION 5. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005, SECTION  
22 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
23 PASSAGE]: Sec. 4. (a) The election division may provide parts and  
24 reports from the voter registration information from the computerized  
25 list for the purposes specified under IC 3-7-26.3-29. ~~However,~~

26 (b) **Except as otherwise provided in this section,** the parts and  
27 reports provided under this section may not include information  
28 described under section 8 of this chapter.

29 (c) **The parts and reports may contain the information described**  
30 **in section 8 of this chapter if:**

31 (1) **the part or report is to be provided to an entity that:**

32 (A) **is described in section 6 of this chapter; and**

33 (B) **has previously submitted an application to the election**  
34 **division and paid any required fee to obtain the complete**  
35 **compilation; or**

36 (2) **the part or report is a purely statistical compilation that:**

37 (A) **includes the information described in section 8 of this**  
38 **chapter; and**

39 (B) **does not include any information:**

40 (i) **concerning an individual voter; or**

41 (ii) **that would permit the identification of an individual**  
42 **voter as a result of providing the compilation.**

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**(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.**

SECTION 6. IC 3-7-27-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As required under 42 U.S.C. 1973gg-6(i), a county voter registration office shall retain records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the voter registration list. These records include the following:

(1) Lists of names and addresses of voters who were sent notices under the voter list maintenance program.

(2) Information concerning whether a voter has responded to a notice described by subdivision (1) as of the date the inspection of the record is made.

(b) The county voter registration office shall retain the records described by this section for at least two (2) years. Except for records concerning declinations to register to vote or that indicate the identity of a voter registration agency where a person registered, the county voter registration office shall make the records available for public inspection and photocopying at a reasonable cost as provided in IC 5-14-3.

(c) In accordance with ~~IC 5-14-3-3(g)~~ **IC 5-14-3-3(h)** and notwithstanding any other statute, a county voter registration office shall, with regard to voter registration information concerning voters of the county on a computerized system, act in accordance with a nondiscriminatory uniform policy adopted by the county election board. The policy must either permit a person to duplicate or obtain a duplicate copy of a computer tape, computer disc, microfilm, or other similar record system that contains this voter registration information or not permit the person to duplicate or obtain a duplicate copy of the information.

(d) A person who requests computerized voter registration information under subsection (c) must provide a written statement that the person will not:

(1) use the information to solicit merchandise, goods, services, or subscriptions; or

(2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person;

for a purpose other than political activities or political fundraising activities.

(e) Publication of information obtained under subsection (d) in a news broadcast or newspaper is not prohibited.

SECTION 7. IC 3-7-28-12 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: Sec. 12. ~~Not later than thirty (30) days after receipt of the reports of deceased individuals required under this article;~~ (a) Each ~~circuit court clerk or board of~~ county voter registration office shall send a list of the deceased persons whose registrations have been canceled to the following upon request:

(1) The county chairman of each major political party of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next election to be conducted in the county.

**(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.**

SECTION 8. IC 3-7-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. ~~Not later than thirty (30) days after preparation of a list of disfranchised voters under this article;~~ the circuit court clerk or board of (a) Each county voter registration office shall send a ~~notice list of~~ disfranchised voters whose registrations have been canceled to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next general election to be conducted in the county.

**(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.**

SECTION 9. IC 3-7-28-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~The circuit court clerk or board of~~ (a) Each county voter registration office shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article ~~not later than sixty (60) days before election day~~ to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

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After that date, upon request the clerk or board shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.

**(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within a period specified in the request.**

SECTION 10. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application is received by the county voter registration office **after December 31, 2002, and before January 1, 2006.**

(b) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or

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overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 11. IC 3-7-33-5, AS AMENDED BY P.L.164-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application.

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The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

(1) A statement that the application has been received.

(2) The disposition of the application by the county voter registration office.

(3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) Except as provided under subsection (f), the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(D) The voter's voter identification number.

(4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may include a voter registration card.

(e) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(f) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

(1) is not returned by the United States Postal Service and received by the county voter registration office at; or

(2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (c), the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

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(g) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period under subsection (c) expires before election day;
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f); and
- (3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of ~~error~~ **voter registration** under IC 3-7-48 to note the addition of the voter to the certified list.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period has not expired before election day; and
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot.

SECTION 12. IC 3-7-34-7, AS AMENDED BY P.L.81-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The county voter registration office shall certify to the NVRA official on an expedited basis a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles commission or a voter registration agency.

(b) The NVRA official shall notify the commission or agency that the commission or agency is required to supply the omitted information on an expedited basis to the county voter registration office. ~~following receipt of notice from the NVRA official.~~

SECTION 13. IC 3-7-34-13, AS AMENDED BY P.L.81-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If a registration form complies with section 9(c) of this chapter and is received after the certified list has been prepared under IC 3-7-29, the county voter registration office shall:

- (1) process the form in accordance with IC 3-7-33-5; and

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(2) if the registration application is approved, issue a certificate of ~~error~~ **voter registration** under IC 3-7-48.

(b) If a registration form does not comply with section 9(c) of this chapter, the county voter registration office shall process the form in accordance with IC 3-7-13-12.

SECTION 14. IC 3-7-36-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The ~~circuit court clerk or board of county voter~~ **registration office** shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the date that the clerk or board prepares the certified list under IC 3-7-29-1.

(b) **A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.**

SECTION 15. IC 3-7-38.2-2, AS AMENDED BY P.L.164-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

- (1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);
- (2) not result in the removal of the name of a person from the official list of votes solely due to the person's failure to vote; and
- (3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

- (1) listed in the voter's registration record; and
- (2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

- (1) The United States Postal Service National Change of Address Service.
- (2) A court regarding jury duty notices.

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(3) The return of a mailing sent by the county voter registration office to all voters in the county.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date **(which must be at least thirty (30) days after the date the notice is mailed)** by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

**(f) If a voter returns the card described in subsection (d)(2) after the date specified in the notice, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, designate the voter as inactive.**

~~(f)~~ **(g)** If a voter does not return the card described in subsection (d)(2) by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

~~(g)~~ **(h)** A voter's registration that becomes inactive under subsection ~~(f)~~ **(g)** remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

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(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

~~(h)~~ (i) After the date described in subsection ~~(g)(2)~~; **(h)(2)**, the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 16. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

(1) naming or renaming streets;

(2) numbering or renumbering lots or structures; and

(3) converting rural route addresses to numbered addresses;

shall report the changes to the ~~circuit court clerk or board of county voter~~ registration **office** not later than the last day of the month following the month in which the change was made.

SECTION 17. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend

~~(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and~~

~~(2) the entry for the voter in the computerized list under IC 3-7-26.3.~~

SECTION 18. IC 3-7-43-6, AS AMENDED BY P.L.164-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a voter who requests a cancellation of voter registration under IC 3-7-39-6.

(b) The county voter registration office of the county in which a voter registers shall send the authorization of cancellation to the county voter registration office **using the computerized list**, on an expedited basis, as required by IC 3-7-26.3. **A county voter registration office is not required to forward a paper copy of the request for cancellation of registration to another county voter registration office if the authorization of cancellation has been transmitted to the other county voter registration office using the computerized list. The county voter registration office shall retain the paper copy of the request for cancellation for the two (2) year period required under 42 U.S.C. 1974.**

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1 SECTION 19. IC 3-7-45-7 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) If a county voter registration  
3 office determines that:

- 4 (1) a voter has been identified as deceased in a list or report  
5 described by this chapter; and  
6 (2) the identification is in error;  
7 the voter registration office may decline to cancel the registration and  
8 shall note the apparent error on the voter registration record.

9 (b) If a county voter registration office determines that a registration  
10 has been previously canceled in error due to a report that the voter is  
11 deceased, the voter registration office shall reinstate the registration by:

- 12 (1) correcting the registration record before a certified list of voters  
13 is prepared under IC 3-7-29-1; or  
14 (2) issuing a certificate of **error voter registration** under  
15 IC 3-7-48.

16 SECTION 20. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as otherwise provided  
18 by NVRA or in this chapter, a person whose name does not appear on  
19 the registration record may not vote, unless the ~~circuit court clerk or~~  
20 **board of county voter registration office** provides a signed certificate  
21 of ~~error in the office where the permanent registration record is kept~~  
22 **voter registration** showing that the voter is legally registered in the  
23 precinct where the voter resides.

24 (b) A person whose name does not appear on the registration record  
25 may cast a provisional ballot as provided in IC 3-11.7.

26 SECTION 21. IC 3-7-48-2, AS AMENDED BY P.L.81-2005,  
27 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2007]: Sec. 2. A certificate of **error voter registration** issued  
29 under section 1 of this chapter:

- 30 (1) may be issued at any time after the production of the certified  
31 list under IC 3-7-29;  
32 (2) shall be executed by the circuit court clerk, or in a county with  
33 a board of registration, by both members of the board; and  
34 (3) shall be numbered serially in the method prescribed for entry  
35 in the computerized list maintained under IC 3-7-26.3.

36 SECTION 22. IC 3-7-48-3 IS AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2007]: Sec. 3. One (1) copy of the certificate of  
38 **error voter registration** shall be delivered to the inspector of the  
39 precinct of the voter's residence. The inspector shall return that copy to  
40 the circuit court clerk with other election material at the close of the  
41 polls as provided in this title. The other copy shall be delivered to the  
42 county election board and returned to the ~~circuit court clerk county~~

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**voter registration office** when the polls are closed.

SECTION 23. IC 3-7-48-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. In a county with a board of registration, the circuit court clerk or board of registration shall promptly transmit all certificates of ~~error~~ **voter registration** to the board of registration.

SECTION 24. IC 3-10-1-8, AS AMENDED BY P.L.164-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person who will be a voter at the general election for which the primary is being held and whose name does not appear on the registration record of the precinct or on the certified copy of the registration record prepared under IC 3-7-29 may:

(1) vote if the county voter registration office provides a signed certificate of ~~error~~; **voter registration**; or

(2) cast a provisional ballot under IC 3-11.7, as provided by 42 U.S.C. 15482.

SECTION 25. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.**

**(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, IC 3-12-11-18, or IC 3-12-12-19.**

SECTION 26. IC 3-10-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. If the person executes the affidavit under this chapter before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall:

(1) **provide the voter with a voter registration application, if the voter's current address is located within the same county as the precinct of the individual's former residence, and request that the voter complete and sign the application; and**

(2) **return the original affidavit and any completed voter registration application to the circuit court clerk or board of county voter registration office after the closing of the polls.**

SECTION 27. IC 3-10-12-4, AS AMENDED BY P.L.230-2005,

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SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The written affirmation described in section 3.4 of this chapter may be executed as follows:

(1) At the county voter registration office for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.

(2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.

(3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

(b) If the person executes the affidavit under this section at the county voter registration office before the day of the election, the office shall furnish a copy of the affirmation to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

(c) If the person executes the affirmation under this section when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(d) If the person executes the affirmation under this section before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall:

**(1) provide the voter with a voter registration application, if the voter's current address is located within the same county as the precinct of the person's former residence, and request that the voter complete and sign the application; and**

**(2) return the original affirmation to the county election board.**

The county election board shall forward the affidavit **and any completed voter registration application** to the county voter registration office after the closing of the polls.

SECTION 28. IC 3-11-8-22.1, AS ADDED BY P.L.164-2006, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22.1. (a) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who produces a certificate of **error voter registration** issued under IC 3-7-48-1.

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If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(b) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who makes an oral or a written affirmation in compliance with IC 3-7-48-5 that the voter continues to reside in the precinct at the address shown as the voter's former residence in the voter registration record.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(c) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who produces a registration receipt that complies with IC 3-7-48-7.

If the county election board provides the precinct election board with the information required under IC 3-7-48-7(a)(2) and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(d) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who is not described by subsection (a), (b), or (c).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

(e) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who no longer resides in the precinct but is entitled to vote at

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the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.  
 If the voter executes an affidavit in compliance with IC 3-10-10, IC 3-10-11, or IC 3-10-12 and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot if the voter wishes to cast a ballot.

(f) This subsection applies to a voter:

- (1) whose name appears on the poll list for the precinct; and
- (2) who is not described in subsection (e).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

SECTION 29. IC 3-11-8-23, AS AMENDED BY P.L.164-2006, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

- (1) A statement that the voter is a citizen of the United States.
- (2) The voter's date of birth to the best of the voter's information and belief.
- (3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.
- (4) The voter's name and a statement that the voter is generally known by that name.
- (5) A statement that the voter has not voted and will not vote in any other precinct in this election.
- (6) The voter's occupation.
- (7) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.
- (8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of

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(9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by

~~(A) IC 3-7-13-10. or~~

~~(B) IC 3-7-36-11, if the voter registered under that section.~~

SECTION 30. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

(A) whose name does not appear on the registration list; and

(B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of ~~error~~ **voter registration** under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10; ~~(or IC 3-7-36-11, if the voter registered under that section);~~ and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

SECTION 31. IC 9-24-2.5-4, AS AMENDED BY P.L.164-2006, SECTION 137, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As required under 42 U.S.C. 1973gg-3(e)(1), the manager or designated license branch employee shall transmit a copy of the completed voter registration portion of each application for a driver's license or an identification card for nondrivers issued under this article to the county voter registration office of the county in which the individual's residential address (as indicated on the application) is located.

(b) The voter registration application shall be transmitted to the county voter registration office in an electronic format and on an expedited basis (as defined by IC 3-5-2-23.2) using the computerized list established under IC 3-7-26.3. ~~The paper copy of the application shall be transmitted under subsection (a) to the county voter registration office not later than five (5) days after the application is accepted at the license branch.~~

SECTION 32. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~(a)~~ The ~~co-directors of the~~ election division shall provide the commission with a list of the current addresses and telephone numbers of the offices of the ~~circuit court clerk or board of~~ county voter registration office in each county. The commission shall promptly forward the list and each revision of the list to each license branch.

~~(b) The co-directors of the election division shall provide the commission with pre-addressed packets for the commission to transmit applications under section 6(1) or 6(2) of this chapter.~~

SECTION 33. IC 16-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The state department shall charge and collect a fee of eight dollars (\$8) for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee of four dollars (\$4) for each record.

(b) The state department shall charge and collect an additional fee of eight dollars (\$8) for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

**(d) Verification and issuance of a certification or amendment of a record under this section must be issued without the payment of a fee or charge to an individual who:**

**(1) does not have a valid Indiana driver's license; and**

**(2) will be at least eighteen (18) years of age at the next general,**

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**municipal, or special election.**

SECTION 34. IC 16-37-1-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.5. (a) In addition to the fee charged by the state department under section 11 of this chapter for a search of the records in the division of vital records, the state department shall charge a birth problems registry fee of two dollars (\$2) for each search of the records for a birth certificate. The fees collected under this section shall be deposited in the birth problems registry fund established by IC 16-38-4-17.

(b) Verification must be issued without the payment of a birth problems registry fee under this section to an individual who:

(1) does not have a valid Indiana driver's license; and

(2) will be at least eighteen (18) years of age at the next general, municipal, or special election.

SECTION 35. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-7-36-11; IC 9-24-2.5-6; IC 9-24-2.5-7.

SECTION 36. An emergency is declared for this act.

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